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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,026	05/24/2001	Jose F. Bravo	SOM920010002US1	2893

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EXAMINER
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TRAN, CONGVAN

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/865,026	<b>Applicant(s)</b> BRAVO ET AL.	
	<b>Examiner</b> CongVan Tran	<b>Art Unit</b> 2683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

#### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is in response to amendment file on Dec. 06, 2004.
2. Claims 27-31 have been added.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 11, 17, 23, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by DiGiorgio et al. (6,385,729).

Regarding claims 1, 11, 17, and 20-27, DiGiorgio discloses a secure token device access to services provided by an Internet service provider (ISP) comprising the steps of: providing a token to said user using a first communication channel (see fig. 1, element 10, and its description); instructing said user to enter said provided token using a cellular telephone that has been previously associated with said user (see fig. 1, element 12 and its description); and providing access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (see fig.1, fig.9, col.1, line 64-col.2, line 23 and its description).

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4-15, 17-18, 20-28, and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Weiss (5,657,388).

Regarding claim 1, 11, 17, 23, and 27, Weiss discloses a method and apparatus for utilizing a token for resource access comprising the steps of: providing a token to said user using a first communication channel (see fig.1, elements 12, 14, and its description); instructing said user to enter said provided token using a cellular telephone that has been previously associated with said user (see fig. 1, element 14, fig.2, steps 70-80 and its description); and providing access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (see fig.1, element 16, fig.2, steps 82-86 and its description).

Regarding claims 2, 15, 18, and 28, Weiss further discloses receiving a password from said user before providing said token (see fig.2, step 76 and its description).

Regarding claims 4, 12, and 30, Weiss further discloses the step of instructing said user to dial an access control administrator to enter said token (see figs.1-2, elements 18, 14, steps 70-80 and its description).

Regarding claims 5-10, 13-14, and 31, Weiss further discloses providing said token to said access control administrator (see figs.1-2, element 60, steps 82-86 and its description).

Regarding claims 20, and 22, Weiss discloses a method and apparatus for utilizing a token for resource access comprising: a memory that stores computer-readable code (see fig.1, element 12, 18 and its description); and a processor operatively coupled to said memory, said processor configured to implement said computer-readable code, said computer-readable code configured to: provide a token to said user using a first communication channel (see fig. 1, elements 14, 42, and its description); instruct said user to enter said provided token using a cellular telephone that has been previously associated with said user (see fig. 1, element 14, fig.2, steps 70-80 and its description); and provide access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (see fig.1, element 16, fig.2, steps 82-86 and its description).

Regarding claims 21, Weiss discloses a method and apparatus for utilizing a token for resource access comprising: a memory that stores computer-readable code (see fig.1, element 12, 18 and its description); a processor operatively coupled to said memory, said processor configured to implement said computer-readable code, said computer-readable code configured to: provide a token to an access control administrator (see fig. 1, elements 12, 42, and its description); provide said token to said user using a first communication channel (see fig. 1, elements 14, 42, and its description); instruct said user to dial a telephone number associated with said access control administrator using a cellular telephone that has been previously associated with said user to enter said provided token (see fig. 1, element 14, fig.2, steps 70-80 and its

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description); and provide access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial (see fig.1, element 16, fig.2, steps 82-86 and its description).

Regarding claims 24-26, Weiss discloses a method and apparatus for utilizing a token fro resource access comprising: a computer readable medium having computer readable code means embodied thereon, said computer readable program code means (see col.2, lines 42-65, fig.1, element 14 and its description); comprising: a step to provide a token to said user using a first communication channel (see fig.1, element 12, 14, fig.2, step 78 and its description); a step to instruct said user to enter said provided token using a cellular telephone that has been previously associated with said user (see fig.1, element 14, fig.2, step 76 and its description); and a step to provide access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (see fig.1, element 16, fig.2, step 86 and its description).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 16, 19, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (5,657,388) in view of Hoppe (5,068,894).

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Regarding claims 3, 16, 19, and 29, Weiss discloses all the subject matters described above, except for token is a pseudo random number. However, Hoppe discloses a method of generating a unique number for a smart card and its use for the cooperation of the card with a host system comprising a token is a pseudo random number (see col.1, lines 41-68, fig.1, element 1 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Hoppe's token in Weiss' system in order to prevent the repeated use of encrypted data (notably by a non-authorized person) or quite simply as an authentication element.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CONGVAN TRAN  
PRIMARY EXAMINER

CongVan Tran  
Primary Examiner  
Art Unit 2683

May 10, 2005.